

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES CASTON,
Plaintiff,

vs.

SCREEN ACTORS GUILD, etc., *et al.*,
Defendants.

2:07-180-RCJ-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter was submitted to the undersigned Magistrate Judge to determine the status of this case.

The Court having reviewed this matter makes the following findings:

1. On February 13, 2007, Plaintiff, Charles Caston filed an Application to Proceed Without Prepayment of Fees (#1) and a Complaint (Attachment 1 to the Application (#1)).
2. On February 16, 2007, the court entered an Order (#3) scheduling a status hearing for March 7, 2007.
3. Said Order (#3) required Plaintiff, Charles Caston to appear at the March 7, 2007, hearing.
4. Plaintiff, Charles Caston failed to appear at this hearing. Further, the Plaintiff did not contact the court or provide the court with any reason for his non-attendance.
5. On March 16, 2007, the court entered an Order (#4) ordering the Plaintiff, Charles Caston to pay the filing fee in full on or before April 16, 2007.
6. Further, said Order (#4) advised Plaintiff that failure to pay the filing fee would result in a recommendation that this case be dismissed.

1 7. As of May 18, 2007, Plaintiff Charles Caston has not paid the filing fee.

2 8. The Court finds that Plaintiff's Complaint is frivolous and should be

3 **DISMISSED WITH PREJUDICE.**

4 **RECOMMENDATION**

5 Based on the foregoing and good cause appearing therefore,

6 **IT IS THE RECOMMENDATION** of the undersigned Magistrate Judge that this case
7 be **DISMISSED WITH PREJUDICE.**

8 **NOTICE**

9 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and
10 Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days
11 after service of this Notice. The Supreme Court has held that the courts of appeal may determine
12 that an appeal has been waived due to the failure to file objections within the specified time.
13 Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also
14 held that (1) failure to file objections within the specified time and (2) failure to properly address
15 and brief the objectionable issues waives the right to appeal the District Court's order and/or
16 appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th
17 Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

18 DATED this 7th day of May, 2007.

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22 ROBERT J. JOHNSTON
23 United States Magistrate Judge
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